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3                   UNITED STATES DISTRICT COURT  
4                   EASTERN DISTRICT OF WASHINGTON

5                   UNITED STATES OF AMERICA,

6                   Plaintiff,

7                   -vs-

8                   TYLER SCOTT McKINLEY,

9                   Defendant.

10                  No. 2:12-CR-0016-WFN-7

11                  ORDER DENYING MOTION FOR  
12                  RECONSIDERATION

13 Pending before the Court is Defendant's Motion for Reconsideration. ECF No. 816.  
14 Defendant asks that the Court to reverse its decision regarding Defendant McKinley's strict  
15 compliance with Washington State's medical marijuana laws.

16 Motions for reconsideration are disfavored . . . . The court will ordinarily  
17 deny such motions in the absence of a showing of manifest error in the prior  
ruling or a showing of new facts or legal authority which could not have  
been brought to its attention earlier with reasonable diligence.

18 LCrR 12(c)(5). Defendant argues that the conclusion in the Court's prior Order represents  
19 manifest error because the Court considered conduct outside the conspiracy to manufacture  
20 marijuana when determining Defendant's compliance with state law. However,  
21 Defendant's claim of manifest error rests on half-truths. Defendant omits the fact that he  
22 was charged with maintaining a place at 11911 N. Judkins for the purpose of  
23 manufacturing marijuana in addition to the conspiracy. He acknowledged that he  
24 suspected that the grow was illegal at some point, but he remained on the lease and power  
25 bill. He certainly should have known the grow was illegal when he purchased small  
26 amounts of marijuana from a co-Defendant as that violated state law. He appears to argue  
27 that his failure to remove himself from the lease was somehow out of his hands so he  
28 should not be held responsible for the known illegal grow at the residence he was renting.

1 The Ninth Circuit charged this Court with determining each Defendant's compliance with  
2 state law. Since Defendant McKinley provided the location and power for the entire grow,  
3 he must show that the entire grow complied with state law. However, he acknowledges  
4 that it did not. Defendant has not demonstrated manifest error. The Court has reviewed  
5 the file and Defendant's Motion and is fully informed. Accordingly,

6       **IT IS ORDERED** that:

7           1. Defendant's Motion for Reconsideration, filed September 29, 2017, **ECF**  
8 **No. 816**, is **DENIED**.

9           2. All time from the filing of Defendant's Motion for Reconsideration on  
10 September 29, 2017, to the date of this Order, October 11, 2017, is **EXCLUDED** for  
11 speedy trial calculations pursuant to 18 U.S.C. § 3161(h)(1)(D).

12           3. The October 31, 2017 final pretrial conference and motion hearing is  
13 **STRICKEN** and **RESET** for November 6, 2017, at 8:30 a.m., in Spokane, Washington.

14           4. The jury trial set for November 6, 2017, at 10:00 a.m., in Spokane,  
15 Washington is **CONFIRMED**.

16           The District Court Executive is directed to file this Order and provide copies to  
17 counsel.

18       **DATED** this 11th day of October, 2017.

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10-11-17

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s/ Wm. Fremming Nielsen  
WM. FREMMING NIELSEN  
SENIOR UNITED STATES DISTRICT JUDGE